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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NEAL A. DOWNEY, SAMUEL J. GULEFF, and
CHRISTIAN C. CURTIS

Appeal 2008-2847
Application 10/604,108¹
Technology Center 2600

Decided:² July 6

Before JOSEPH F. RUGGIERO, SCOTT R. BOALICK, and KARL
EASTHOM, *Administrative Patent Judges*.

BOALICK, *Administrative Patent Judge*.

¹ Application filed June 26, 2003. The real party in interest is Spectra Logic Corp.

² The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1 and 21-40, all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' invention relates to a magazine-based data cartridge library that stores data on and/or retrieves data from a recording medium located in the cartridge. (Spec. paragraph [0001].)

Claim 1 is exemplary:

1. A data cartridge library comprising:

a frame;

a shelf system, operatively attached to said frame, for supporting at least two data cartridge magazines and comprising at least one shelf;

drive means that is operatively attached to said frame, capable of receiving, from a data cartridge transport device, a data cartridge that contains a recording medium, and capable, during operation, of transferring data between a recording medium located within a data cartridge and an environment that is exterior to said drive means;

a magazine transport device, operatively attached to said frame, for moving a data cartridge magazine;

a cartridge transport device, operatively attached to said frame, for moving a data cartridge between a data cartridge magazine and said drive means; and

a power supply, operatively attached to said frame, for receiving AC power from an external environment and producing DC power in a form suitable for use by said drive means; and

a conductor, operatively attached to said frame, said conductor comprising both a first and second flat external surface that each extend from a first end to a second end wherein said second flat external surface is parallel to said first flat external surface between which DC power is conveyed; said conductor further comprising at least a first tap located between said first and second ends wherein said first tap provides electrical access for said drive means to receive said DC power from said power supply conveyed along said conductor in at least one common path in a direction between said first and second ends.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

VanFleet	US 5,440,637	Aug. 8, 1995
Dimitri	US 5,818,723	Oct. 6, 1998
Papa	US 6,324,608 B1	Nov. 27, 2001
Nagai	US 6,532,652 B2	Mar. 18, 2003
Albrecht	US 6,545,865 B2	Apr. 8, 2003

Claims 1, 21-28, and 30-40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dimitri, Papa, VanFleet, and Nagai.

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being obvious over Dimitri, Papa, VanFleet, Nagai, and Albrecht.

Rather than repeat the arguments of Appellants or the Examiner, we make reference to the Briefs and the Answer for their respective details. Except as noted in this decision, Appellants have not presented any substantive arguments directed separately to the patentability of the dependent claims or related claims in each group. In the absence of a separate argument with respect to those claims, they stand or fall with the representative independent claim. *See* 37 C.F.R. § 41.37(c)(1)(vii). Only those arguments actually made by Appellants have been considered in this decision. Arguments that Appellants did not make in the Briefs have not been considered and are deemed to be waived. *See id.*

ISSUE

First, Appellants argue that the Examiner erred in finding that VanFleet teaches a power supply that is suitable for use by the drive means. (App. Br. 12-13; Reply Br. 4.) In particular, Appellants argue that the claimed drive means must be interpreted as being capable of both reading from and writing data to a recording medium in a data cartridge, and that VanFleet does not disclose a drive means capable of writing data to the recording medium. (*Id.*) Appellants also argue that VanFleet fails to show a power supply that receives AC power from an external environment and produces DC power in a form suitable for the claimed drive means. (App. Br. 13.) Next, Appellants argue that Papa does not show a data cartridge library, but instead discloses "a computer and network system." (App. Br. 13-14; Reply Br. 4-5.) Appellants further argue that Papa does not teach:

a conductor, operatively attached to said frame, said conductor comprising both a first and second flat external surface that each extend from a first end to a second end wherein said

second flat external surface is parallel to said first flat external surface between which DC power is conveyed; said conductor further comprising at least a first tap located between said first and second ends wherein said first tap provides electrical access for said drive means to receive said DC power from said power supply conveyed along said conductor in at least one common path in a direction between said first and second ends.

(App. Br. 14.) Next, Appellants argue that Nagai does not show a conductor with:

at least a first tap located between said first and second ends wherein said first tap provides electrical access for said drive means to receive said DC power from said power supply conveyed along said conductor in at least one common path in a direction between said first and second ends.

(App. Br. 15-16; Reply Br. 5-6.) Instead, according to Appellants, Nagai shows taps at the *end* of the conductor. (*Id.*) Finally, Appellants argue that "the references would not have 'prompted a person of ordinary skill in the relevant field to combine the [prior art] elements' in the manner claimed."

(App. Br. 11; *see also* App. Br. 12-17; Reply Br. 6.) In support of this argument, Appellants state that VanFleet does not share a common class or subclass with Dimitri (App. Br. 13), that Nagai does not share a common class or subclass with VanFleet, Papa, and Dimitri (App. Br. 16), and that the motivation set forth by the Examiner is not the same as the Appellants' motivation (App. Br. 14-15).

Appellants' arguments present the following issue:

Have Appellants shown that the Examiner erred in rejecting claims 1 and 21-40 under 35 U.S.C. § 103(a)?

The resolution of this issue turns on the following subsidiary issues:

1. Have Appellants shown that the Examiner erred in finding that the applied references teach or suggest a drive means and a power supply that produces power in a form suitable for use by the drive means?

2. Have Appellants shown that the Examiner erred in finding that the applied references teach or suggest "a conductor, operatively attached to said frame, said conductor comprising both a first and second flat external surface that each extend from a first end to a second end wherein said second flat external surface is parallel to said first flat external surface between which DC power is conveyed"?

3. Have Appellants shown that the Examiner erred in finding that the applied references teach or suggest that the conductor further comprises "at least a first tap located between said first and second ends wherein said first tap provides electrical access for said drive means to receive said DC power from said power supply conveyed along said conductor in at least one common path in a direction between said first and second ends"?

4. Have Appellants shown that the Examiner erred by improperly combining the applied references?

FINDINGS OF FACT

The record supports the following findings of fact (FF) by a preponderance of the evidence.

1. In the BACKGROUND OF THE INVENTION, Appellants' Specification states that "[p]resently, data cartridge libraries are primarily used to archive data, i.e., store data that is not immediately

- needed by the host computer, and provide archived data to the host computer when the data is needed. (Spec. paragraph [0082].)
2. Appellants' Specification states that "the present invention is directed to a magazine-based data cartridge library 100 comprised of . . . (c) one or more drives 106 that are each capable of writing and/or reading data to/from a recording medium in a data cartridge." (Spec. paragraph [0082].)
 3. Dimitri describes a data storage library with a drive means 56 operatively attached to a frame 120. (Col. 4, ll. 18-19; Figures 1-3.) Dimitri teaches that "a disk drive is generally located at 56." (Col. 4, ll. 18-19.)
 4. VanFleet describes a listening and display unit for playing and promoting audio recordings that has an AC/DC power unit 56 to power the player units 54. (Abstract; col. 1, ll. 51-61; col. 2, ll. 53-67; Figs. 2, 11.) A DC power jack is connected by a power cable 60 to the power unit 56 and connected by a wiring harness to the player units 54. (Abstract; col. 1, ll. 51-61; col. 2, ll. 53-67.) An AC electrical cord 30 is connected to the power unit 56 and plugs into a standard AC wall outlet 34 (col. 3, ll. 10-13; Figs. 1, 2). Figures 2 and 11 show or at least suggest that the power supply is operatively attached to the frame.

5. Papa describes a method of removing and replacing modules (e.g., network interface module 104) in a network server 100 without powering down the server 100 or the CPU module 103. (Abstract; col. 4, ll. 8-17, col. 5, l. 21 to col. 6, l. 9; Figs.³ 1, 3A.) "Network servers allow for resource sharing such as sharing equipment, applications, data, and the means for handling data." (Col. 1, ll. 65-67.) Figures 3B and 3C show interconnection assembly module 209, which has: (a) four connectors (413, 415, 417, and 419) for coupling to connectors of the network interface modules 104; (b) two connectors (421) for the power modules 105; and (c) a connector (411) configured to couple with the CPU module 103. (Col. 5, ll. 59-65.) Guiding pegs 412, 414, 416, 418, and 420 facilitate the interconnection of the modules 103 and 104. (Col. 5, l. 65 to col. 6, l. 4.) Figure 3C shows connectors 421, 411, 413, 415, 417, and 419 as having at least first and second flat external surfaces parallel to each other between which power is conveyed. Figures 3A-3C show or at least suggest that the interconnection assembly module 209 is operatively attached to the chassis 170.
6. Nagai describes a flat cable 11 with parallel conductive strips 12 and connection terminals 16 for each of the conductive strips 12 which make electrical contact to the conductive strip 12 by the use of projections 19 which pierce the conductive strip 12. (Abstract; col. 4, ll. 20-26, 29-37, 51-56; Figs. 3, 5.)

³ All references to the figures of Papa are to the figures found in the certificate of correction dated September 14, 2004.

7. Albrecht describes a shock mount structure that facilitates shock absorption for a device. (Abstract.) Albrecht describes a flex cable 65 that has a termination 71 which forms an electrical connector 48. (Col. 7, ll. 4-5; Figs. 1, 4-6.) A backing plate 70 supports and positions the facing surface 50 of the flex cable 65. (Col. 7, ll. 2-10.) Both the backing plate 70 and termination 71 of the flex cable 65 snap into slots 73, 74 of the cartridge shell 41 for mechanical support. (Col. 7, ll. 5-7; Figs. 1, 4-6.)

PRINCIPLES OF LAW

All timely filed evidence and properly presented arguments are considered by the Board in resolving an obviousness issue on appeal. *See In re Piasecki*, 745 F.2d 1468, 1472 (Fed. Cir. 1984).

In the examination of a patent application, the Examiner bears the initial burden of showing a prima facie case of unpatentability. *Id.* When that burden is met, the burden then shifts to the Applicant to rebut. *Id.* If the Applicant produces rebuttal evidence of adequate weight, the prima facie case of unpatentability is dissipated. *Id.* Thereafter, patentability is determined in view of the entire record. *Id.* However, on appeal to the Board it is the Appellant's burden to establish that the Examiner did not sustain the necessary burden and to show that the Examiner erred. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006).

"Section 103 forbids issuance of a patent when 'the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

subject matter pertains.'" *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). In *KSR*, the Supreme Court reaffirmed that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* at 416. The Court explained:

When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill.

Id. at 417. The operative question is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." *Id.*

The Court explained that:

[o]ften, it will be necessary . . . to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.

Id. at 418.

"[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d at 988. "To facilitate review, this

analysis should be made explicit." *KSR*, 550 U.S. at 418. However, "the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *Id.*

The Supreme Court noted that "[u]nder the correct analysis, any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed." *Id.* at 420. The Court also noted that "[c]ommon sense teaches . . . that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle." *Id.* "A person of ordinary skill is also a person of ordinary creativity, not an automaton." *Id.* at 421.

During examination of a patent application, a claim is given its broadest reasonable construction consistent with the specification. *In re Prater*, 415 F.2d 1393, 1404-05 (CCPA 1969).

ANALYSIS

§ 103 Rejection - Dimitri / Papa / VanFleet / Nagai

Claim 1

Appellants' arguments that the Examiner erred in rejecting claim 1 as being obvious over Dimitri, Papa, VanFleet, and Nagai are not persuasive.

We agree with the Examiner (Ans. 11) that the claim does not require the drive means to be capable of writing data to a recording medium. Claim 1 recites that the drive means is "capable, during operation, of

transferring data between a recording medium located within a data cartridge and an environment that is exterior to said drive means." This language is broad enough to encompass only the reading of data from the recording medium and does not require the drive means to be capable of writing data to the recording medium. The portion of the Specification relied upon by Appellants (App. Br. 12) broadly describes "one or more drives 106 that are each capable of writing *and/or* reading data to/from a recording medium in a data cartridge." (FF 2 (emphasis added).) Thus, Appellants' Specification describes an embodiment of a drive means that is only capable of reading data, not writing data. Appellants have not pointed to anything in the claim language or the Specification that requires the drive means to be capable of writing data to the recording medium. Accordingly, Appellants' argument that VanFleet does not disclose a drive means capable of writing data to the recording medium is not germane.

We also agree with the Examiner (Ans. 4, 11) that VanFleet teaches or suggests a power supply 58 that is operatively attached to the frame, receives external AC power, and produces DC power in a form suitable for use by the drive means. (FF 4.) Figures 2 and 11 show the power supply 58 operatively attached to the frame. (FF 4.) We agree with the Examiner (Ans. 11) that it would have been common knowledge and practice for one of ordinary skill in the art to have made the DC power output from the power supply 58 suitable for use in the drive means that it is intended to power. Appellants have not presented any convincing evidence or argument to the contrary.

Therefore, Appellants have not shown that the Examiner erred in finding that the applied references teach or suggest a drive means and a

power supply that produces power in a form suitable for use by the drive means.

Next, we agree with the Examiner (Ans. 4, 11-12) that the network system 100 of Papa reads on a library. Appellants' Specification, in the BACKGROUND OF THE INVENTION, teaches that data cartridge libraries are used to store data not immediately needed by a host computer and to provide the stored data to the host computer when it is needed. (FF 1.) The network server 100 of Papa serves a role similar to that described in the Specification (*see* FF 1, 5) and thus reads on a library.

We also agree with the Examiner (Ans. 4, 11-12) that Papa teaches or suggests conductors 421 operatively attached to the frame for conducting power from the power supply 105 and having first and second parallel flat external surfaces that each extend from a first end to a second end. (FF 5.) Papa teaches that conductors 421 are part of the interconnection assembly module 209, which is taught or suggested to be operatively attached to the frame 170. (FF 5.)

Therefore, Appellants have not shown that the Examiner erred in finding that the applied references teach or suggest "a conductor, operatively attached to said frame, said conductor comprising both a first and second flat external surface that each extend from a first end to a second end wherein said second flat external surface is parallel to said first flat external surface between which DC power is conveyed."

We further agree with the Examiner (Ans. 4, 12-13) that Nagai teaches or suggests "a first tap located between said first and second ends wherein said first tap provides electrical access for said drive means to receive said DC power from said power supply conveyed along said

conductor in at least one common path in a direction between said first and second ends." (*See* FF 6.) The tap 16 is electrically connected to the conductive strip 12 by projections 19. (FF 6) Although Figure 3 of Nagai appears to show the projections 19 connected near one end of the conductive strip 12, the connection nevertheless is between a first and second end of the conductive strip 12 -- as illustrated by the Examiner's annotated Figures 3 and 5 of Nagai (Ans. 13). The broad language of claim 1 does not preclude such an interpretation, nor have Appellants pointed to any particular description in the Specification which would preclude such an interpretation.

Therefore, Appellants have not shown that the Examiner erred in finding that the applied references teach or suggest that the conductor further comprises "at least a first tap located between said first and second ends wherein said first tap provides electrical access for said drive means to receive said DC power from said power supply conveyed along said conductor in at least one common path in a direction between said first and second ends."

Finally, the Examiner has articulated a rationale for combining the applied references (Ans. 4-7) and Appellants have failed to show error in the Examiner's articulated reasoning. Contrary to Appellants' arguments, the class and subclass of the applied references is not dispositive. Nor is the motivation to combine the teachings of the applied references required to be the same as the inventor's motivation. Instead, the Examiner has looked at the interrelated teachings of the references, needs and problems known in the field of endeavor at the time of the invention, and the background knowledge of a person having ordinary skill in the art in order to determine that there was a reason to combine the known elements in the claimed

fashion. In sum, Appellants have not shown that the improvement is anything more than the predictable use of prior art elements according to their established functions. *See KSR*, 550 U.S. at 417.

Therefore, Appellants have not shown that the Examiner erred by improperly combining the applied references.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a).

Claims 21-23

Appellants have argued claims 21-23 together as a group. (App. Br. 17-18.) Thus, in accordance with 37 C.F.R. § 41.37(c)(1)(vii), we select claim 21 as representative.

Appellants repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed. In addition, Appellants argue that the Examiner's findings with respect to claim 21 "most likely deviates from Papa because Papa is directed to signal transmission and other low power applications. Hence, Papa's interconnection assembly circuit board module 209 would probably short circuit." (App. Br. 18.) This argument is not convincing because, as the Examiner has observed (Ans. 14), Appellants have not provided any evidence to support it. In addition, as the Examiner found (Ans. 14), Papa's interconnection assembly circuit board module 209 connects power modules. (FF 5.)

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting representative claim 21 under 35 U.S.C.

§ 103(a). Claims 22 and 23 were argued as a group with claim 21, and fall together with claim 21.

Claims 24-25

Appellants have argued claims 24 and 25 together as a group. (App. Br. 18-19.) Thus, in accordance with 37 C.F.R. § 41.37(c)(1)(vii), we select claim 24 as representative.

Appellants repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed. In addition, Appellants present an argument with respect to claim 26 (App. Br. 18) that is not relevant to the subject matter of claim 24.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting representative claim 24 under 35 U.S.C. § 103(a). Claim 25 was argued as a group with claim 24, and falls together with claim 24.

Claim 26

Appellants repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed. In addition, Appellants argue that "[t]he Examiner relied on speculative inherencies in all of the references to teach, suggest and motivate" the proposed combination. (App. Br. 19.) We do not agree.

The Examiner has set forth articulated reasoning with rational underpinning to support the conclusion of obviousness (Ans. 7, 14), and Appellants have failed to show error in the Examiner's articulated reasoning.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 26 under 35 U.S.C. § 103(a).

Claim 27

Appellants repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed. In addition, Appellants argue that there is no teaching or suggestion in Dimitri that any conductor "provides power exclusively" to a drive means. (App. Br. 20.) We do not agree. The Examiner has explained (Ans. 8, 15) how this limitation is met and Appellants have failed to show error in the Examiner's findings.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 27 under 35 U.S.C. § 103(a).

Claim 28

Appellants repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed. In addition, Appellants argue that "there are no teachings or suggestion in any of the references that any conductor . . . has a 'first tap [which] can provide said electrical access with said drive means'." (App. Br. 21.) We do not agree. The Examiner has explained (Ans. 8, 15) how this limitation is met and Appellants have failed to show error in the Examiner's findings.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 28 under 35 U.S.C. § 103(a).

Claim 30

Appellants repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed. In addition, Appellants argue that "Papa does not show a drive bay in FIG. 5, let alone a drive bay that is powered by interconnection assembly module 209." (App. Br. 23.) We do not agree. The Examiner has shown that Dimitri teaches the drive means (Ans. 3; *see also* FF 3) and has incorporated some of the more detailed power supply teachings of Papa into the system of Dimitri (Ans. 4, 6). Thus, Appellants' arguments are not convincing.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 30 under 35 U.S.C. § 103(a).

Claim 31-32

Appellants have argued claims 31 and 32 together as a group. (App. Br. 23.) Thus, in accordance with 37 C.F.R. § 41.37(c)(1)(vii), we select claim 31 as representative.

Appellants repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed. In addition, Appellants argue that although "Nagai does indeed show a connector at a first end of a cable, Nagai differs from Appellant's flat conductor for at least the reasons that Nagai's conductor is not extended between a first end and a second end." (App.

Br. 23.) We do not agree. As previously discussed with respect to claim 1, the Examiner has shown (App. Br. 12-13) how Nagai satisfies this limitation.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting representative claim 31 under 35 U.S.C. § 103(a). Claim 32 was argued as a group with claim 31, and falls together with claim 31.

Claim 33

Appellants merely repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 33 under 35 U.S.C. § 103(a).

Claim 34

Appellants merely repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 34 under 35 U.S.C. § 103(a).

Claim 35

Appellants repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed. In addition, Appellants argue that "[t]he

Examiner has failed to identify the reference beyond the primary reference, Dimitri, where the disk drive(s) is/are that the Examiner is applying as obvious." (App. Br. 25.) However, as the Examiner has correctly found, Dimitri teaches the disk drives. (Ans. 9, 17; *see also* FF 3.)

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 35 under 35 U.S.C. § 103(a).

Claim 36

Appellants repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed. In addition, the Examiner has articulated additional reasons (Ans. 17) to support the legal conclusion of obviousness with respect to the limitations of a first voltage and first ground and a second voltage and second ground recited by claim 36. Appellants have not shown error in the Examiner's articulated reasoning.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 36 under 35 U.S.C. § 103(a).

Claim 37

Appellants repeat some of the same arguments previously presented with respect to claim 34, and we disagree with those arguments for the reasons previously discussed.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 37 under 35 U.S.C. § 103(a).

Claim 38

Appellants repeat some of the same arguments previously presented with respect to claim 34, and we disagree with those arguments for the reasons previously discussed.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 38 under 35 U.S.C. § 103(a).

Claim 39

Appellants repeat some of the same arguments previously presented with respect to claim 34, and we disagree with those arguments for the reasons previously discussed. In addition, Appellants argue that "the Examiner failed to show or explain where a power conductor is 'fixedly disposed along the frame' and where a drive bay capable of holding a drive is disclosed, taught or shown in the references." (App. Br. 28-29.) We do not agree. As the Examiner correctly found, Papa⁴ teaches or suggest that the conductor 421 is fixedly disposed along the frame (Ans. 17-18) and Dimitri teaches the drive bay (Ans. 3). (FF 3, 5.)

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 39 under 35 U.S.C. § 103(a).

Claim 40

Appellants repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed.

⁴ We note that the Examiner's Answer at 17-18 mistakenly refers to Nagai rather than Papa.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 40 under 35 U.S.C. § 103(a).

§ 103 Rejection - Dimitri / Papa / VanFleet / Nagai / Albrecht

Claim 29

With respect to claim 29, Appellants repeat some of the same arguments previously presented with respect to claim 1, and we disagree with those arguments for the reasons previously discussed. In addition, Appellants argue that "Albrecht does not teach or discuss a channel member or the flex cable conductor 65 fixedly attached to anything" and "element 48 is 'an external data transfer electrical connector' not a channel member." (App. Br. 22.) Appellants also argue that Albrecht does not have a class and subclass in common with the other references. (App. Br. 22.) Appellants' arguments are not convincing.

As the Examiner correctly found (Ans. 10), Albrecht teaches a flex cable 65 fixedly attached in a channel (shown in Figures 4 and 6) of the cartridge shell 41 (Figure 2). (FF 7.) In particular, Albrecht teaches that the termination 71 of the flex cable 65 forms the electrical connector 48, which is shown fixedly attached in a channel of the cartridge shell (FF 7; Fig. 6). The substrate 50 of the flex cable termination 71 is aligned with the backing plate 70 and both the backing plate 70 and flex cable termination 71 snap into slots 73, 74 in the cartridge shell 41 for mechanical support. (FF 7.) Appellants' arguments regarding class and subclass are not convincing for the reasons discussed above with respect to claim 1. The Examiner has set forth articulated reasoning with rational underpinnings to support the

conclusion of obviousness (Ans. 10), and Appellants have failed to show error in the Examiner's articulated reasoning.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 29 under 35 U.S.C. § 103(a).

CONCLUSION

Based on the findings of facts and analysis above, we conclude that Appellants have not shown that the Examiner erred in rejecting claims 1 and 21-40.

DECISION

The rejection of claims 1 and 21-40 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

ack

cc:

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